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Governor

Timothy P. Murray  
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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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### Minutes

#### **Board of Boiler Rules**

**National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481**

**Meeting of November 3, 2011, 9:30 AM**

1. Meeting called to order by the Chairman at 9:30 AM, followed by roll call.

#### Board Members Present:

Brian Logan, Chairman  
Ray Archambault  
Thomas Healy  
Charles Perry  
Ernest Hall

#### Board Members Not Present:

None

#### Guests Present:

George Streeter, DPS  
Ted Carroll, DPS  
Mike Burge, DPS  
John Lawrence, DPS  
Hector Raymond, CNA  
Steve Kapnis, CNA  
Steve Sawyer, Travelers  
Mark Mooney, Liberty Mutual  
Anthony Lucia, NAPE  
Don Stats, Travelers  
Jay Johnson, DPS  
Henry Geryk, DPS  
Francis Bucchiere, DPS  
Leah Francis, Liberty Mutual  
Tom Stanton, Arise  
Glen Robinson, HSB  
John Spizuolo, CNA

Mike Robillard, Chubb  
Paul Fiske, Chubb  
Paul Barra, Liberty Mutual  
Greg Flaherty, Cummings Properties  
Beth McLaughlin, DPS  
Carrie Torrisi, DPS  
Holly Bartlett, DPS

2. Minutes of previous meeting: The minutes from the previous meeting on February 10, 2011, were distributed. It was pointed out that in Paragraph 5 of the minutes, 528 CMR should read 522 CMR. A motion to accept these minutes into record was made by Ray Archambault, seconded by Ernest Hall, and approved by a unanimous vote.
3. Petitions for extensions to boiler inspections:
  - a. International Power Inc. – Request dated September 8, 2011, for 90 day extension of 2 units. *Motion made by Ray Archambault, seconded by Tom Healy, to approve this request, request approved by unanimous vote.*
  - b. Solutia, Inc. Request dated October 11, 2011, for 15-30 day extension. *Motion made by the Chairman, seconded by Tom Healy, to approve this request, request approved by unanimous vote.*
  - c. Berkshire Power – Request dated October 12, 2011, for 6 month extension. The petitioner has contacted DPS to inform that the required inspection has been completed, the extension is no longer being requested. It was pointed out that the Board is still obligated to consider the request. *Motion made by Ernest Hall, seconded by Ray Archambault, to approve this request, request approved by a unanimous vote.*
  - d. Millenium Power – Request dated September 26, 2011, for 60 day extension. *Motion made by Tom Healy, seconded by Ernest Hall, to approve this request, request approved by unanimous vote.*
  - e. Precix, Inc. – Request dated September 14, 2011, for 90 day extension. *Motion made by Ernest Hall, seconded by Ray Archambault, to approve this request, request approved by a unanimous vote.*
  - f. Dominion Energy – Request dated October 3, 2011, for 90 day extension on 2 units. *Motion made by the Chairman, seconded by Ernest Hall, to approve this request, request approved by a unanimous vote.*
4. Approval process for extension requests: The Chairman said that this matter is being addressed in the revision of 522 CMR. Until the revised CMR is promulgated, and in order to comply with current open meeting law, the Board must continue to address petitions solely in the meeting forum.
5. Review of CMR: The Chairman introduced this topic, and announced that this meeting would entertain discussion of proposed changes to the regulation solely by members of the Board; public input will be heard at a later date. The Board proceeded to review the proposed changes to the regulation.
  - a. LI
  - b.
  - c. Section 1.05: The proposed section was discussed, as it relates to open meeting law. Subparagraph (a) must not contain the language, “with conditions that the Board deems appropriate.”
  - d. Section 2.01: Agreed upon as proposed.
  - e. Section 2.03: Ag
  - f. Section 2.05(1): Agreed upon as proposed.

- g. Section 2.05(2): The date of inspection \_\_\_\_\_ Delete last sentence, “A sample approved form is shown in Figure 1.”
- h. Section 2.05(4): Agreed upon as proposed.
- i. Section 2.05(6): It was agreed to delete the words, “NBIC NB-4 for,” and replace them with, “appropriate NBIC form.”
- j. Section 2.06(1)(a): Agreed upon as proposed.
- k. Section 3.02(1):
- l. Section 3.04: Agreed upon as proposed.
- m. Section 3.06(3): Agreed upon as proposed.
- n. Section 4.01:
- o. Section 4.05:
- p. Section 4.05(7): Remove the word ‘forms’, insert ‘in a format’. Remove ‘NBIC NB-4’, insert ‘applicable form’.
- q. Section 4.05(11): Add ‘the owner or user ???’
- r. Section 4.05(12):
- s. Section 5.01:
- t. Section 7.04(2):
- u. Section 7.05(2): It was suggested that this paragraph reflect the former calculations, and that the proposed change to the content of this section not be adopted. A unanimous vote of the Board members confirmed not changing this section.
- v. Section 9.03:
- w. Section 10.01:
- x. Section 11.01:
- y. Section 12.01:
- z. Section 15.01(04): Change ‘all repairs’ to read ‘all repairs requiring a \_\_\_\_\_’.
- aa. Section 15.01(05): Will be revisited.
- bb. Section 15.01(06): The Board will revisit subparagraphs 4, 5, and 6.
- cc. Section 16.01:
- dd. Section 17.04:

The Chairman proposed that the Board meet again on Thursday, January 5, 2012, to continue this review process.

- 6. New Certificate Fee: The Chairman reported that target date for the DPS to begin collecting a \$50 certificate is January 1, 2012
- 7. Public Comments
  - a. Henry Geryk asked about the Task Group he had volunteered for. The General Counsel replied that any group officially
  - b. Greg Flaherty from Cummings Properties. 522 CMR \_\_\_\_\_, regarding shutdown switches and circuit breakers.
  - c. Steve Sawyer asked that the Board publish decisions that are made, so that industry professionals can refer to these decisions.
- 8. Adjournment – Motion made by Ernest Hall, seconded by Ray Archambault, seconded by Tom Healy, followed by a unanimous vote to adjourn this meeting at 12:15.

Attachments to Minutes:

Applications for Extensions

Proposed draft of 522 CMR submitted by Mark Mooney